

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

ONEOK, INC.)	
)	
Plaintiff,)	Case No. _____
)	
v.)	
)	
TWITTER, INC.)	
Defendant.)	

COMPLAINT

Plaintiff ONEOK, Inc. (hereinafter referred to as “Plaintiff” or “ONEOK”), by and through its undersigned counsel, hereby brings the following Complaint against Defendant TWITTER, INC. (hereinafter referred to as “Defendant” or “TWITTER”) seeking preliminary and permanent injunctive relief and damages.

THE PARTIES

1. ONEOK is a corporation organized and existing under the laws of the State of Oklahoma.
2. ONEOK’s principal place of business is ONEOK Plaza, 100 West Fifth Street, Tulsa, Oklahoma.
3. Upon information and belief, TWITTER is a corporation organized and existing under the laws of the State of California.
4. Upon information and belief, TWITTER’s principal place of business is 539 Bryant St., Suite 402, San Francisco, CA.

JURISDICTION AND VENUE

5. This is an action for trademark infringement arising under the trademark laws of the United States, Title 15 of the United States Code. This Court has original jurisdiction over the subject matter of this action pursuant to the provisions of 28 U.S.C. §§ 1331 and 1338 (a).

6. This Court has personal jurisdiction over TWITTER because TWITTER conducts business by providing communication services and has committed acts of trademark infringement and/or has contributed to or induced acts of trademark infringement by others in this judicial district in violation of 15 U.S.C. §1125.

7. Venue is proper in this judicial district in accordance with 28 U.S.C. §§ 1391 and 1400.

ONEOK'S TRADEMARKS IN SUIT

8. ONEOK is the owner of US Trademark Registration Number 2,985,073, for the word mark ONEOK and Diamond design. A true and correct copy of the '073 registration is attached hereto as Exhibit A.

9. ONEOK is the owner of US Trademark Registration Number 3,655,886 for the Diamond design. A true and correct copy of the '886 registration is attached as Exhibit B.

10. ONEOK has common law rights in both the ONEOK word mark and the Diamond design arising from its open and continuous use of these marks over the past twenty eight years.

11. ONEOK is the owner of all right, title and interest in and to the '073 registration, the '886 registration and the related common law rights, with full and exclusive right to bring suit to enforce these rights.

12. ONEOK is a publically traded Fortune 500 company well known in the energy industry.

COUNT ONE

TWITTER'S INFRINGEMENT OF ONEOK'S TRADEMARKS

13. ONEOK realleges and incorporates herein the allegations of paragraphs 1 through 12 as is fully set forth herein.

14. Twitter operates an online system where a user can obtain an account carrying a name selected by the user. Each of these names are unique within the Twitter system.

15. Each user can post communications, commonly called Tweets, to the system under their account name.

16. These Tweets are sent to other Twitter users who have elected to receive Tweets from a given fellow Twitter user.

17. Twitter has assigned the user name "ONEOK" to a party other than ONEOK, Inc.

18. The ONEOK Twitter account holder has on at least two occasions generated Tweets containing information regarding ONEOK, Inc.

19. These communications contained the ONEOK trademark name and Diamond design.

20. These Tweets have the appearance of being an official statement issued by ONEOK on the Twitter system.

21. These Tweets have been passed off to unsuspecting recipients as official statements by ONEOK on the Twitter system.

22. ONEOK through its counsel has attempted to obtain the contact information of the ONEOK Twitter account holder.

23. Twitter has refused to provide such information.

24. ONEOK has attempted to have Twitter assign the ONEOK Twitter account to ONEOK, Inc.

25. Twitter has failed to follow through with such assignments.

26. If this situation is allowed to persist the unknown ONEOK Twitter account holder can use the Twitter system to damage ONEOK's reputation in the investor community and energy industry. Such damage would be irreparable.

27. Such damage would also have a negative effect on ONEOK shareholders.

28. Unless Twitter is enjoined by this Court from continuing its infringement and/or contributory infringement of ONEOK's trademark rights, ONEOK will suffer additional irreparable harm and impairment of the value of its trademarks, name and reputation. Thus, ONEOK is entitled to an injunction against further infringement.

COUNT TWO

TWITTER'S CONTRIBUTORY INFRINGEMENT OF ONEOK'S TRADEMARKS

29. ONEOK realleges and incorporates herein the allegations of paragraphs 1 through 28 as is fully set forth herein.

30. Twitter has provided the means by which the unknown ONEOK Twitter account holder has generated these posting.

31. Twitter has the contact information for the unknown ONEOK Twitter account holder.

32. Twitter has failed to provide this contact information to ONEOK.

33. Twitter has the ability to transfer control of the ONEOK Twitter account to ONEOK.

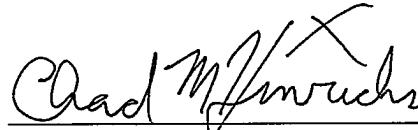
34. Twitter has failed to transfer control of the ONEOK Twitter account to ONEOK.

PRAYER FOR RELIEF

35. **WHEREFORE**, ONEOK respectfully requests the following relief:

- a. Entry of a judgment declaring Twitter has infringed ONEOK's Trademark registrations and common law rights;
- b. Entry of judgment declaring Twitter has contributed to the infringement of ONEOK's Trademark registrations and common law rights
- c. Entry of a judgment which preliminarily and permanently enjoins Twitter and its representatives, assigns, successors, any subsidiaries, divisions, agents, servants, and employees from permitting any person or entity, other than ONEOK, Inc. from using the ONEOK trademarks on the Twitter system;
- d. Such other and further relief as the Court deems just and appropriate.

Respectfully submitted,



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David E. Keglovits, OBA # 14,259

GABLE GOTWALS

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ATTORNEYS FOR PLAINTIFFS

EXHIBIT A

Int. Cls.: 35, 37, 39, 40 and 42

Prior U.S. Cls.: 100, 101, 102, 103, 105 and 106

United States Patent and Trademark Office

Reg. No. 2,985,073

Registered Aug. 16, 2005

SERVICE MARK
PRINCIPAL REGISTER



ONEOK, INC. (OKLAHOMA CORPORATION)
100 WEST 5TH STREET
TULSA, OK 74103

FOR: NATURAL GAS, NATURAL GAS LIQUIDS, CRUDE OIL, FUEL OIL, AND ELECTRIC POWER PROCUREMENT SERVICES, NAMELY, THE PURCHASE FOR OTHERS OF NATURAL GAS, NATURAL GAS LIQUIDS, CRUDE OIL, FUEL OIL, ELECTRIC POWER, PETROLEUM AND OTHER FUELS; OPERATION OF BUSINESS FOR OTHERS, NAMELY, OPERATION OF NATURAL GAS PROCESSING AND STORAGE AND ELECTRIC POWER PLANT AND COGENERATION FACILITIES; MARKETING SERVICES, NAMELY, PROMOTING THE USE OF NATURAL GAS IN RESIDENTIAL, COMMERCIAL, INDUSTRIAL, MUNICIPAL AND UTILITY CUSTOMERS; BILLING SERVICES PERTAINING TO THE PROVISION OF GAS AND ELECTRIC, UTILITY, NATURAL GAS PROCESSING AND STORAGE SERVICES; PROMOTING PUBLIC AWARENESS OF THE EFFICIENT USE OF NATURAL GAS; ASSOCIATION SERVICES, NAMELY, PROMOTING USE OF NATURAL GAS AND ENVIRONMENTAL CONCERNS IN CONNECTION WITH ENERGY PRODUCTION, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 12-9-1980; IN COMMERCE 12-9-1980.

FOR: CONSTRUCTION SERVICES, NAMELY, CONSTRUCTING STRUCTURES AND FACILITIES FOR USE IN THE NATURAL GAS AND ELECTRIC POWER PRODUCTION, TRANSPORTATION, PROCESSING, STORAGE, DISTRIBUTION, MARKETING AND TRADING INDUSTRIES; INSTALLATION AND MAINTENANCE OF NATURAL GAS REFUELING STATIONS; VEHICLE REPAIR SERVICES, NAMELY, CONVERTING CONVENTIONAL FUELED VEHICLES TO NATURAL GAS; DRILLING WELLS FOR GAS AND OIL; INSTALLATION AND MAINTENANCE OF GAS,

CRUDE OIL AND PETROLEUM PRODUCT PIPELINE, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 12-9-1980; IN COMMERCE 12-9-1980.

FOR: GAS UTILITY SERVICES, NAMELY, TRANSPORTATION, STORAGE AND DISTRIBUTION OF NATURAL GAS, NATURAL GAS LIQUIDS, CRUDE OIL, FUEL OIL, PETROLEUM, AND OTHER FUELS; NATURAL GAS STORAGE SERVICES, NAMELY, THE STORAGE OF NATURAL GAS IN OWNED OR LEASED GAS STORAGE FACILITIES; ELECTRIC UTILITY SERVICES, NAMELY, THE TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY; NATURAL GAS PIPELINE SERVICES, NAMELY, THE TRANSMISSION OF NATURAL GAS THROUGH PIPELINES; PUBLIC UTILITY SERVICES IN THE NATURE OF COMPRESSED NATURAL GAS DISTRIBUTION SERVICES, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 12-9-1980; IN COMMERCE 12-9-1980.

FOR: PRODUCTION, PROCESSING AND TREATING OF ENERGY, NAMELY, NATURAL GAS, NATURAL GAS LIQUIDS, CRUDE OIL, FUEL OIL AND OTHER PETROLEUM PRODUCTS AND ELECTRICITY, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

FIRST USE 12-9-1980; IN COMMERCE 12-9-1980.

FOR: RESEARCH AND DESIGN SERVICES, NAMELY, DESIGNING, TESTING AND EVALUATING NATURAL GAS STORAGE AND PROCESSING FACILITIES, STORAGE TANKS AND CARBURETION SYSTEMS FOR VEHICULAR USE OF NATURAL GAS, INCLUDING COMPRESSED NATURAL GAS; PROVIDING INFORMATION ON EFFECTIVE USE OF NATURAL GAS AND SAFETY GUIDELINES AND TIPS FOR USE OF NATURAL GAS; TECHNICAL DESIGN OF ENERGY EFFI-

CIENT HOMES AND COMMERCIAL STRUCTURES
FOR OTHERS, IN CLASS 42 (U.S. CLS. 100 AND 101).

SER. NO. 78-327,547, FILED 11-13-2003.

FIRST USE 12-9-1980; IN COMMERCE 12-9-1980.

JIM RINGLE, EXAMINING ATTORNEY

EXHIBIT B

Int. Cls.: 35, 37, 39, 40, and 42

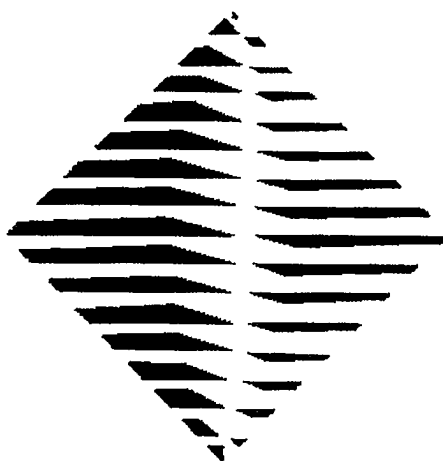
Prior U.S. Cls.: 100, 101, 102, 103, 105, and 106

United States Patent and Trademark Office

Reg. No. 3,655,886

Registered July 14, 2009

SERVICE MARK
PRINCIPAL REGISTER



ONEOK, INC. (OKLAHOMA CORPORATION)
100 WEST 5TH STREET
TULSA, OK 74103

FOR: NATURAL GAS, NATURAL GAS LIQUIDS, PROCUREMENT SERVICES, NAMELY, THE PURCHASE FOR OTHERS OF NATURAL GAS, NATURAL GAS LIQUIDS, PETROLEUM AND OTHER FUELS; OPERATION OF BUSINESS FOR OTHERS, NAMELY, OPERATION OF NATURAL GAS PROCESSING AND STORAGE FACILITIES; MARKETING SERVICES, NAMELY, PROMOTING THE USE OF NATURAL GAS IN RESIDENTIAL, COMMERCIAL, INDUSTRIAL, MUNICIPAL AND UTILITY CUSTOMERS; BILLING SERVICES PERTAINING TO THE PROVISION OF GAS UTILITIES, NATURAL GAS PROCESSING AND STORAGE SERVICES; PROMOTING PUBLIC AWARENESS OF THE EFFICIENT USE OF NATURAL GAS; ASSOCIATION SERVICES, NAMELY, PROMOTING USE OF NATURAL GAS AND ENVIRONMENTAL CONCERNS IN CONNECTION WITH ENERGY PRODUCTION, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

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FIRST USE 12-9-1980; IN COMMERCE 12-9-1980.

FOR: GAS UTILITY SERVICES, NAMELY, PRODUCTION, TRANSPORTATION, STORAGE AND DISTRIBUTION OF NATURAL GAS, NATURAL GAS LIQUIDS, PETROLEUM, AND OTHER FUELS; NATURAL GAS STORAGE SERVICES, NAMELY, THE STORAGE OF NATURAL GAS IN OWNED OR LEASED GAS STORAGE FACILITIES; NATURAL GAS PIPELINE SERVICES, NAMELY, THE TRANSMISSION OF NATURAL GAS THROUGH PIPELINES; PUBLIC UTILITY SERVICES IN THE NATURE OF COMPRESSED NATURAL GAS DISTRIBUTION SERVICES, IN CLASS 39 (U.S. CLS. 100 AND 105).

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CIENT HOMES AND COMMERCIAL STRUCTURES
FOR OTHERS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 12-9-1980; IN COMMERCE 12-9-1980.

SN 78-327,585, FILED 11-13-2003.

JIM RINGLE, EXAMINING ATTORNEY